

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 28, 2000

DIVISION ONE

B134178 Boyer (Not for Publication)
v.
Albert A. Murphy, Personally and as Trustee, et al.

The judgment is affirmed.

Mallano, J.

I concur: Spencer, P.J.

I concur in the judgment only: Vogel (Miriam A.), J.

B139823 People (Not for Publication)
v.
Soto

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.

Vogel (Miriam A.), J.

B137509 People (Not for Publication)
v.
Belfrey

We affirm the judgment.

Ortega, J.

We concur: Spencer, P.J.

Mallano, J.

November 28, 2000-Continued

DIVISION ONE (Continued)

B113007 Galanty (Not for Publication)
v.
Paul Revere Life Insurance Company

The judgment is reversed. Appellant Galanty to recover costs.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B141776 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Ursula A.

The order under review is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B140166 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Jose O.

The orders of December 7, 1999, December 28, 1999, January 25, 2000, and February 22, 2000, are reversed and the matter is remanded for new hearings to the extent that they affect the minor Luis O.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Ortega, Acting P.J.

I concur: Vogel (Miriam A.), J.
I dissent: Mallano, J. (Opinion)

DIVISION TWO

B138698 People (Not for Publication)
v.
Steffen

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

[illegible]

The order being appealed is affirmed. Respondents are awarded costs on appeal

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

DIVISION TWO (Continued)

[illegible]

The judgment is affirmed. The abstract of judgment is ordered corrected to reflect the \$5,000 restitution fine ordered by the trial court.

Nott, Acting P.J.

We concur: Cooper, J.
Todd, J.

DIVISION THREE

110511-00

The HONORABLE LARRY P. FIDLER, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Three, as a Justice thereof, on the following dates:

January 1, 2001 To March 31, 2001

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: November 21, 2000

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION THREE (Continued)

B135627 People (Not for Publication)
v.
Hartfield

The judgment is modified by striking the one year Penal Code section 667.5, subdivision (b) enhancement imposed, then stayed, for Hartfield's prior prison term in case number A035942. The judgment is further modified by increasing from \$200 to \$500 the Penal Code section 1202.45 parole revocation fine. The clerk of the superior court is ordered upon issuance of the remittitur to correct the abstract of judgment to reflect these modifications and to forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B140305 People (Not for Publication)
v.
Cooley

The judgments are affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B134591 People (Not for Publication)
v.
Dodd

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B137456 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Gwendolyn G.

The matter is remanded to the juvenile court. The juvenile court may only authorize additional dissemination of confidential information from the juvenile court files in In re Beatrice B. after following the procedures in section 827 and California rules of Court, rule 1423.

Kitching, J.

We concur: Croskey, Acting P.J.
Aldrich, J.

DIVISION FOUR

110510-00

The HONORABLE KURT J. LEWIN, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Four, as a Justice thereof, on the following dates:

December 19, 2000 To January 31, 2001

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: November 21, 2000

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION FOUR (Continued)

[illegible]

For the foregoing reasons, the judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B138463 People (Not for Publication)
v.
Anderson

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B135542 Adelberg (Not for Publication)
v.
Franchise Tax Board

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FOUR (Continued)

B134494 Wells (Not for Publication)
v.
Travelers Group

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FIVE

Court convened at 8:00 A.M.

Present: Armstrong, Acting P.J., Godoy Perez, J., Weisman, J. (Assigned) and J. Belcher, Deputy Clerk.

B136292 People v. Bustamente

Argument waived, cause submitted.

B134049 People
v.
Johnny Howze

Merits:

Argued by William L. Heyman for appellant and by Chung L. Mar, deputy attorney general, for respondent. Submission deferred. Letter briefs due by appellant on November 30, 2000 and by respondent on December 4, 2000. Cause to be submitted December 4, 2000 at 5:00 P.M.

Court recessed at 8:10 A.M.

DIVISION FIVE (Continued)

Court reconvened at 8:55 A.M.

Present: Turner, P.J., Grignon, J., Armstrong, J. and J. Belcher, Deputy Clerk.

Each of the following:

B138695 People v. Ellsworth
B142299 D.C.F.S. v Rosalinda M.
B141675 D.C.F.S. v. Timothy B.
B141580 D.C.F.S. v. Kesha P.

Argument waived, cause submitted.

B136458 People
 v.
 Hector Munoz et al.

Merits:

Argued by Phillip Cohen for appellants Munoz and Krauss, Joseph P. Farnan for appellant Ramos, Murray A. Rosenberg for appellant Chanes and by Alan Tate, deputy attorney general, for respondent. Cause submitted.

B135336 Theodore A. Nicholas
 v.
 Johnny Lail's Glendale Toyota, etc.

Merits:

Argued by Bob Dato for appellant and by Kay Otani for respondent. Cause submitted.

Court recessed at 9:40 A.M.

DIVISION FIVE (Continued)

Court reconvened at 10:30 A.M.

Present: Turner, P.J., Grignon, J., Armstrong, J. and J. Belcher, Deputy Clerk.

B138549 People
 v.
 Michael McCarthy

Merits:

Argued by Joanna McKim for appellant and by Ana R. Duarte, deputy attorney general, for respondent. Cause submitted.

Court recessed.

Court reconvened at 11:00 A.M.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J. and J. Belcher, Deputy Clerk.

Each of the following:

B140978 People v. Guardado G.
B141391 People v. Christian A.
B137931 People v. Juan Garcia
B138913 People v. Duran et al
B141006 People v. Harper
B140391 D.C.F.S. v. Melva H.
B141486 People v. Lopez

Argument waived, cause submitted.

B140258 Antonette Niedle
 v.
 Workers Compensation Appeals Board
 California Indemnity et al., Respondent

Merits:

Argued by Lawrence Drasin for petitioner and by Brad Wixen and George Woolverton for real parties in interest. Cause submitted.

DIVISION FIVE (Continued)

Court recessed at 11:50 A.M.

Court reconvened at 1:00 P.M.

Present: Turner, P.J., Armstrong, J., Godoy Perez, J. and J. Belcher, Deputy Clerk.

B133103 Wells v. Harkness

Argument waived, cause submitted.

B136347 Gerald Gregorczyk
 v.
 Truck Insurance Exchange

Merits:

Argued by Brian S. Kabateck for appellant and by Jeffrey J. Leist for respondent. Cause submitted.

B133560 Indemnity Insurance Company of North America
 v.
 Emerson Electric Company

Merits:

Argued by Susan J. Williams for appellants and by Robert C. Chiles for respondent. Cause submitted.

Court adjourned at 1:40 P.M.

DIVISION FIVE (Continued)

B136397 Marvin and Helen Adelbert (Not for Publication)
v.
Franchise Tax Board

The judgment is modified to state: "Judgment is imposed in favor of plaintiffs, Marvin and Helen Adelberg, and against the Franchise Tax Board of the State of California in the sum \$220,329.72. Interest is to run at the legal rate commencing October 11, 2000." The parties are to bear their own costs and attorney fees on appeal. The remittitur is to issue forthwith. As so modified, the judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
 Weisman, J. (Assigned)

B141816 Vicki Riechers (Not for Publication)
v.
Superior Court, Los Angeles County
(Appel One Employment Services Ltd., et al., r.p.i.)

A peremptory writ shall issue directing the respondent court to vacate its order of May 30, 2000, granting the motion for summary adjudication of a first cause of action of the cross-complaint, and enter a new and different order denying the motion. Cross-complainant, Vickie Riechers, is to recover her costs on appeal jointly and severally from cross-defendants, Apple One Employment Services and Bernard Howroyd.

Turner, P.J.

We concur: Grignon, J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B142547 Toni R. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services., r.p.i.)

The petition for writ of mandate is denied and the order to show cause is discharged.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B134871 Arthur L. Valdez et al. (Not for Publication)
v.
County of Los Angeles

The judgment is affirmed. Each party to bear its own costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

B136785 Jorge Uribe, Jr.
v.
Julian Montoya & Arita Montoya

Filed order denying petition for rehearing.

DIVISION FIVE (Continued)

110514-00

The HONORABLE THOMAS LYLE WILLHITE, JR., Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Five, as a Justice thereof, on the following dates:

January 1, 2001 To March 31, 2001

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: NOVEMBER 21, 2000

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION SIX

B118146 People (Not for Publication)
v.
Haun

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B127385 Freedberg (Not for Publication)
v.
Brenner

The judgment (order) is affirmed. Costs on appeal are awarded to respondent.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B139778 People (Not for Publication)
v.
Rivera

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B140010 People (Not for Publication)
v.
Landers

The judgment (order of commitment) is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B133713 Ahmanson Development, Inc. (Not for Publication)
v.
La Monte et al.
Bowman

The orders are affirmed. Bowman shall bear costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B137969 People (Not for Publication)
v.
Robert Anthony S. & Shane Michael S.

The orders of the juvenile court are affirmed.

Yegan, J.

I concur: Coffee, J.
I dissent: Gilbert, P.J. (Opinion)

DIVISION SIX (Continued)

B141569 People (Not for Publication)
v.
Palmer

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B135206 In re Wier on Habeas Corpus (Not for Publication)

We deny the petition for writ of habeas corpus.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

DIVISION SEVEN

B135731 People (Not for Publication)
v.
Jackson

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
 Neal, J.

B133236 Ford
v.
Zale Corporation

Filed order denying petition for rehearing.